

# Exhibit B

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
4 Case No. 1:20-cv-00706-DLC

5 -----x

6 FEDERAL TRADE COMMISSION;  
7 STATE OF NEW YORK; STATE OF  
8 CALIFORNIA; STATE OF ILLINOIS;  
9 STATE OF NORTH CAROLINA;  
10 STATE OF OHIO; COMMONWEALTH  
11 OF PENNSYLVANIA; And  
12 COMMONWEALTH OF VIRGINIA,  
13 Plaintiffs,

14 v.

15 VYERA PHARMACEUTICALS, LLC;  
16 PHOENIXUS AG; MARTIN SHKRELI,  
17 Individually, as an owner and  
18 former officer of Vyera Pharmaceuticals, LLC  
19 and Phoenixus AG (formerly  
20 known as Turing Pharmaceuticals, LLC  
21 and Turing Pharmaceuticals AG);  
22 and KEVIN MULLEADY, individually,  
23 as an owner and director of  
24 Phoenixus AG and a former  
25 Executive of Vyera Pharmaceuticals, LLC,  
26 Defendants.

27 -----x

28  
29 REMOTE DEPOSITION OF MARTIN SHKRELI

30 VOLUME II

31 January 28, 2021

32  
33  
34 Reported by:  
35 MARY F. BOWMAN, RPR, CRR  
36 JOB NO. 188174

<p style="text-align: right;">Page 215</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5 January 28, 2021</p> <p>6 9:00 a.m.</p> <p>7</p> <p>8</p> <p>9 Remote deposition of MARTIN</p> <p>10 SHKRELI, held before Mary F. Bowman, a</p> <p>11 Registered Professional Reporter, Certified</p> <p>12 Realtime Reporter, and Notary Public of the</p> <p>13 State of New Jersey.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 216</p> <p>1</p> <p>2 APPEARANCES: (BY VIDEOCONFERENCE)</p> <p>3</p> <p>4 FEDERAL TRADE COMMISSION</p> <p>5 Attorneys for Plaintiffs</p> <p>6 600 Pennsylvania Avenue Northwest</p> <p>7 Washington, DC 20580</p> <p>8 BY: MARKUS MEIER, ESQ.</p> <p>9 NICHOLAS PERLMAN</p> <p>10</p> <p>11 MORGAN LEWIS &amp; BOCKIUS</p> <p>12 Attorneys for Defendant Vyera Pharmaceuticals</p> <p>13 and Phoenixus AG</p> <p>14 1701 Market Street</p> <p>15 Philadelphia, PA 19103</p> <p>16 BY: STEVEN REED, ESQ.</p> <p>17</p> <p>18 DUANE MORRIS</p> <p>19 Attorneys for Defendant Shkreli</p> <p>20 30 South 17th Street</p> <p>21 Philadelphia, PA 19103</p> <p>22 BY: CHRISTOPHER CASEY, ESQ.</p> <p>23 A.J. RUDOWITZ, ESQ.</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 217</p> <p>1</p> <p>2 APPEARANCES: (BY VIDEOCONFERENCE)</p> <p>3</p> <p>4 KASOWITZ BENSON TORRES</p> <p>5 Attorneys for Defendant, Mulleady</p> <p>6 1633 Broadway</p> <p>7 New York, NY 10019</p> <p>8 BY: ALBERT SHEMMY MISHAAN, ESQ.</p> <p>9 DAVID ERMANN, ESQ.</p> <p>10</p> <p>11</p> <p>12 Also Present:</p> <p>13 Amy McFarlane, NYS AG Office</p> <p>14 Jeremy Kasha NY AG Office</p> <p>15 Kip Sturgis, NC AG Office</p> <p>16 Michael Battaglia, CA AG Office</p> <p>17 Liz Maag, OH AG Office</p> <p>18 Carlos Lopez, Videographer</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 218</p> <p>1</p> <p>2</p> <p>3</p> <p>4 IT IS HEREBY STIPULATED AND</p> <p>5 AGREED, by and between the attorneys</p> <p>6 for the respective parties herein, that</p> <p>7 filing and sealing be and the same are</p> <p>8 hereby waived.</p> <p>9 IT IS FURTHER STIPULATED AND</p> <p>10 AGREED that all objections, except as</p> <p>11 to the form of the question, shall be</p> <p>12 reserved to the time of the trial.</p> <p>13</p> <p>14 IT IS FURTHER STIPULATED AND</p> <p>15 AGREED that the within deposition may</p> <p>16 be sworn to and signed before any</p> <p>17 officer authorized to administer an</p> <p>18 oath, with the same force and effect as</p> <p>19 if signed and sworn to before the</p> <p>20 Court.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 M. Shkreli  
2 MR. CASEY: Objection to the  
3 form.

4           A.       It's a good question. I actually  
5 would leave it somewhere very often. I  
6 would just kind of leave it on a desk,  
7 either turned on or turned off. But I  
8 never really used it. I used my 646 number  
9 that served as my cell phone for a long  
10 time.

11 Q. Was there -- why would you  
12 sometimes use your corporate phone? What  
13 would -- I mean, what would cause you to  
14 use your 646 number versus your corporate  
15 phone?

16 MR. REED: Objection, form.

17 MR. CASEY: Objection --

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18         A.      I think -- sorry, guys.
19                I think it's just habit, you
20 know, you are used to a phone you like. I
21 don't think I ever really made phone calls
22 on the corporate phone almost ever. It's
23 funny because I think they are same
24 identical almost iPhone.

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25 One, if I recall correctly, was

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1 M. Shkreli  
2 yesterday. Is a handful -- what is a  
3 handful?

4 A. Less than ten.

5 Q. I'm sorry, less that what?

6           A.     Ten.   Two handfuls.

7 Q. OK. Do you ever remember sending  
8 any e-mails from your corporate phone?

9           A.     Well, if you send an e-mail from  
10    your corporate phone, it would still come  
11    from the e-mail server, right, that that  
12    phone is connected to.

13 I kind of think of those things  
14 independently. For instance, you send an  
15 e-mail from an e-mail address, but I don't  
16 think I ever used my corporate phone to  
17 really send any e-mails, no.

18 Q. What ended up happening with your  
19 corporate phone when you left Turing?

20 MR. CASEY: Objection to the  
21 form.

22           A.     I really don't know. I would  
23 just say that phone is really not that  
24 important. I never did anything with it of  
25 any sort that you would find interesting.

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1 M. Shkreli  
2 my T-mobile phone, which again I liked, and  
3 the other was the Verizon connected  
4 corporate phone.

5 But if you text message somebody  
6 from the Verizon phone, they are going to  
7 get a new number and they don't know it's  
8 me. So why would I ever use it? You know  
9 what I mean? Everybody knows my phone.

10 Q. I know exactly what you mean  
11 because I do exactly the same thing. I  
12 have two separate phones and they are both  
13 iPhones.

14 Do you recall whether you ever  
15 sent text messages with your corporate  
16 phone?

17 MR. CASEY: Objection to the  
18 form.

19           A.     Sitting here today, I can tell  
20     you that I probably sent thousands and  
21     thousands of text messages on the 646  
22     phone, but I'd be shocked if I sent more  
23     than a handful of messages on the corporate  
24     phone.

25 Q. We talked about handful

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1 M. Shkreli  
2 Q. OK. You would be surprised what  
3 I find interesting.

4       A.    You are more than welcome to try  
5    to find out.  I, you know, all the action  
6    of my life is on that 646 phone.

[illegible]